

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CYNTHIA A. ROBINSON,

Plaintiff,

vs.

WILLIAM SHULLER, III,

Defendant.

NO. CV-07-3033-LRS

ORDER DISMISSING COMPLAINT

1915(g)

By Order filed August 10, 2007, the court advised Plaintiff of the deficiencies of her complaint and directed her to amend or voluntarily dismiss. Plaintiff, who was a prisoner at the Yakima County Jail at the time she initiated this action, is proceeding *pro se* and *in forma pauperis*. Plaintiff was advised that failure to amend her complaint as directed or to file a motion to voluntarily dismiss would result in dismissal of this action. Plaintiff was further advised such dismissal would count as one of the dismissals under 28 U.S.C. § 1915(g), and may adversely affect her future ability to file actions *in forma pauperis* while incarcerated.

Rather than amend, Plaintiff submitted a letter which was received August 21, 2007 (Ct. Rec. 8). In that letter, Plaintiff requested to have several cases transferred to the United States Supreme Courts [sic]. There being no authority for such action by

1 this court, **IT IS ORDERED** Plaintiff's request (Ct. Rec. 8) is **DENIED**.

2 Having failed to comply with the court's directive, and for the
3 reasons set forth in the court's previous Order, **IT IS ORDERED**
4 Plaintiff's complaint against attorney Shuller is **DISMISSED with**
5 **prejudice** for failure to state a claim upon which relief may be
6 granted. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

7 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a
8 prisoner who brings three or more civil actions or appeals which are
9 dismissed as frivolous or for failure to state a claim will be
10 precluded from bringing any other civil action or appeal *in forma*
11 *pauperis* "unless the prisoner is under imminent danger of serious
12 physical injury." 28 U.S.C. § 1915(g). Plaintiff is advised to read
13 the new statutory provisions under 28 U.S.C. § 1915. This dismissal
14 of Plaintiff's complaint may count as one of the three dismissals
15 allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to
16 file future claims.

17 **IT IS SO ORDERED.** The District Court Executive is directed to
18 enter this Order, forward a copy to Plaintiff at his last known
19 address, enter judgment, and close the file. The District Court
20 Executive is further directed to forward a copy of this Order to the
21 Office of the Attorney General of Washington, Criminal Justice
22 Division.

23 **DATED** this 22nd day of October, 2007.

24
25 **s/Lonny R. Suko**

26 _____
LONNY R. SUKO
27 UNITED STATES DISTRICT JUDGE